

ORIGINAL

LEONGUERRERO_M.gar4

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FILED
DISTRICT COURT OF GUAM

APR - 5 2006

MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MELVIN LEON GUERRERO,

Defendant,

PRIMOS HEAVY EQUIPMENT,

Garnishee.

CRIMINAL CASE NO. 97-00026

**NOTICE OF POST-JUDGMENT
CLERK'S GARNISHMENT;
INSTRUCTIONS TO
DEFENDANT-JUDGMENT DEBTOR**

NOTICE OF POST-JUDGMENT CLERK'S GARNISHMENT;

INSTRUCTIONS TO DEFENDANT-JUDGMENT DEBTOR

You are hereby notified that your salary at Primos Heavy Equipment, is being taken by the United States of America which has a judgment in Criminal Case No. 97-00026, District of Guam, for the sum of \$121,900.00 which includes a \$100.00 special assessment fee and restitution in the amount of \$120,900.00. There is a balance of \$170,123.70, as of March 30, 2006 (\$116,437.37 principal + \$4,831.79 interest to 3/30/2006).

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1 In addition, you are hereby notified that there are exemptions under the law which may
2 protect some of the property from being taken by the Government if you, MELVIN LEON
3 GUERRERO can show that the exemptions apply. Attached is a summary of the major
4 exemptions which apply in most situations in the Territory of Guam.

5 If you are MELVIN LEON GUERRERO you have a right to ask the court to return your
6 property to you if you think you do not owe the money to the Government that it claims you do,
7 or if you think the property the Government is taking qualifies under one of the above
8 exemptions.

9 If you want a hearing, you must notify the court within 20 days after receipt of the notice.
10 Your request must be in writing.

11 If you wish, you may use the attached request for hearing. You must either mail it or
12 deliver it in person to the Clerk of the United States District Court of Guam, 4th Floor,
13 U.S. Courthouse, 520 West Soledad Avenue, Hagåtña, Guam 96910. You must also send a copy
14 of your request to the United States Attorney's Office, Sirena Plaza, Suite 500, 108 Hernan
15 Cortez Avenue, Hagåtña, Guam 96910-5059, so the Government will know you want a hearing.

16 The hearing will take place within five (5) days after the Clerk receives your request, if
17 you ask for it to take place that quickly, or as soon after that as possible.

18 At the hearing you may explain to the judge why you think you do not owe the money to
19 the Government. If you do not request a hearing within 20 days of receiving this notice, your
20 property may be sold at public auction and the proceeds of the sale will be applied to the debt you
21 owe the Government.

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1 If you think you live outside the Federal judicial district in which the court is located, you
2 may request, not later than 20 days after you receive this notice, that this proceeding to take your
3 property be transferred by the court to the Federal judicial district in which you reside. You must
4 make your request in writing, and either mail it or deliver it in person to the Clerk of the Court at
5 the United States District Court of Guam, 4th Floor, U.S. Courthouse, 520 West Soledad Avenue,
6 Hagåtña, Guam 96910. You must also send a copy of your request to the Government at U.S.
7 Attorney's Office, Sirena Plaza, Suite 500, 108 Hernan Cortez Avenue, Hagåtña, Guam
8 96910-5059, so the Government will know you want the proceeding to be transferred.

9 Be sure to keep a copy of this notice for your own records. If you have any questions
10 about your rights or about this procedure, you should contact a lawyer, an office of public legal
11 assistance, or the clerk of the court. The clerk is not permitted to give legal advice, but can refer
12 you to other sources of information.

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14
15 *file* Mary L.M. Moran
16 MARY L.M. MORAN
17 Clerk of Court
18 District Court of Guam
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RECEIVED
MAR 31 2006
DISTRICT COURT OF GUAM
HAGATNA, GUAM

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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE DISTRICT OF GUAM
6

7 UNITED STATES OF AMERICA,)

CRIMINAL CASE NO. 97-00026

8 Plaintiff,

9 vs.

10 MELVIN LEON GUERRERO,)

REQUEST FOR HEARING

11 Defendant,

12 PRIMOS HEAVY EQUIPMENT,)

13 Garnishee.
14

15 REQUEST FOR HEARING
16

17 Pursuant to 28 U.S.C. § 3202, I Request that the Court hold a hearing in this matter and
18 further state that:

19 _____ I do not owe the money to the Government as it says I do.

20 _____
21 The property that the Government is taking is exempt.

22 DATED: _____

23 _____
MELVIN LEON GUERRERO

24 Address: _____

25 _____
26 Telephone Number: _____
27
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CLAIM FOR EXEMPTION FORM
MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) from garnishment which are checked below apply in this case:

- ___ 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- ___ 2. Veterans benefits (38 U.S.C. § 3101).
- ___ 2a. Members of armed services (10 U.S.C. § 1440, 38 U.S.C. § 562).
- ___ 3. Federal Civil Service Retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- ___ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- ___ 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- ___ 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- ___ 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- ___ 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).
- ___ 7. **Bankruptcy Code** (Title 11, United States Code) which generally provides exemptions for:

- ___ 7a. \$18,450.00 of equity in a residence.

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

- ___ 7b. \$2,950.00 of equity in a motor vehicle.

Property Claimed: _____
Fair market Value \$ _____

- ___ 7c. \$1,225.00 in jewelry.

Property Claimed: _____
Fair market Value \$ _____

___ 7d. \$9,850.00 in personal property. (However, no single item worth more than \$475.00 can be claimed as exempt.)

Property Claimed: _____
Fair market Value \$ _____

___ 7e. Property totalling up to \$975.00, plus up to \$9,250.00 of any unused amount of the exemption provided in number 7(a) above.

Property Claimed: _____
Fair market Value \$ _____

___ 7f. \$1,850.00 of equity in professional books, implements or tools, your trade or you dependent's trade.

Property Claimed: _____
Fair market Value \$ _____

___ 7g. Any unmaturred life insurance contract you own, other than credit life insurance.

Property Claimed: _____
Fair market Value \$ _____

___ 7h. The aggregate value, up to \$9,850.00, of any accrued dividend or interest under, or loan value of, any unmaturred life insurance contract you own, but only if you are the insured or you are a dependant of the insured.

Property Claimed: _____
Fair market Value \$ _____

___ 7i. Professionally prescribed health aids for you or your dependants.

Property Claimed: _____
Fair market Value \$ _____

___ 7j. Unemployment compensation benefits, local public assistance benefits, disability benefits, illness benefits; and alimony, support and separate maintenance, to the extent these items are reasonably necessary for your support or the support of your dependants.

Property Claimed: _____
Fair market Value \$ _____

- ____ 7k. A payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for your support or the support of your dependants, subject to the limitations set forth at Title 11 United States Code Section 522(d)(10)(E)(i)-(iii).

Property Claimed: _____
Fair market Value \$ _____

- ____ 7l. Your right to receive, or property that is traceable to,
- an award under a crime victim's reparation law;
 - a payment on account of the wrongful death of an individual of whom you were a dependant, but only to the extent of reasonably necessary for your support or the support of your dependants;
 - a payment under a life insurance contract that the insured an individual of whom you were a dependant on the date of the insured's death, but only to the extent reasonably necessary for your support or the support of your dependants;
 - a payment, not to exceed \$18,450.00, on account of personal bodily injury suffered by you or by an individual of whom you are a dependant; however, payment for pain and suffering or payment to compensate actual pecuniary loss are not exempt under this paragraph;
 - a payment in compensation of loss of your future earnings or the future earnings of an individual of whom you are, or were, a dependant, but only to the extent reasonably necessary for your support or the support of the your dependants.

Property Claimed: _____
Fair market Value \$ _____

NOTE: If you have selected the Bankruptcy Code exemptions (Line 7 above), you may not also claim the exemptions listed below.

MAJOR EXEMPTIONS UNDER THE TERRITORY OF GUAM

NOTE: If you select the exemptions available under territorial law, the law of the territory or state while you have been domiciled for the greater part of the last 180 days governs your rights.

Relevant Territorial law provisions pursuant to 7 G.C.A. § 21333 allow the following exemptions:

___ 9. **Debtor's Homestead**

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

- ___ 10. **Personal Property** - Necessary household goods, table and kitchen furniture. Necessary clothing valued at \$50.00 and provision for three months. A fishing boat and net valued at \$50.00. A cow and its calf, two sows and their suckling pigs, fifteen hens and three roosters; and a one month supply of food for each animal. Articles of religious worship valued at \$25.00.

<u>Property Claimed:</u>	<u>Fair Market Value</u>
_____	\$ _____
_____	\$ _____

- ___ 11. **Trade/Farming Implements** - Farming utensils valued at \$50.00. A beast of burden (e.g., horse, carabao or ox) with one cart together valued at \$150.00 used in the ordinary course of business; also one month supply of food for such beast and grain or vegetables for planting or sowing within six months valued at \$25.00.

<u>Property Claimed:</u>	<u>Fair Market Value</u>
_____	\$ _____
_____	\$ _____

- ___ 12. **Tools of the Trade** = Professional libraries or lawyers, judges, clergyman, doctors and preachers valued at \$250.00. Necessary tools of mechanic/artisan valued at \$25.00

Amount Claimed: \$ _____

- ___ 13. **Cemeteries and Burial Funds** - Gravestones

<u>Property Claimed:</u>	<u>Fair Market Value</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____

____ 14. **Wages/Salary** - Necessary earnings of debtor rendered within thirty days next preceding the levy of execution or attachment.

Amount Claimed: \$ _____

____ 15. **Military Equipment** - Arms, uniforms and accouterments for Guam militia.

Property Claimed:

Fair Market Value

\$ _____
\$ _____
\$ _____

____ 16. **Child Support and Separate Maintenance** - Child support money received.

Amount Claimed: \$ _____

____ 17. **Pensions and Retirement Benefits** - Pensions payable by the U. S., Government of Guam, and private retirement plans.

Amount Claimed: \$ _____

The statements made in this claim of entitlement to exemptions and the fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

Date

Signature of Defendant

Defendant's printed or typed name